

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00079-MR-DLH

THE PRUDENTIAL INSURANCE)
COMPANY OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.)
)
MICHELLE DIONNE,)
MARJORIE VESTAL, and)
MICHAEL VILAYAT MARSH,)
)
)
Defendants.)
)
_____)

O R D E R

THIS MATTER is before the Court on the parties' Consent Motion [Doc. 30].

In their Consent Motion, the parties ask the Court to: (1) grant Plaintiff The Prudential Insurance Company of America ("Prudential") interpleader relief, discharging Prudential from any further liability to the Defendants and dismissing any claims against Prudential with prejudice, related to certain life insurance proceeds in the total amount of \$11,009.43 ("Death Benefit"), consisting of the death benefit in the amount of \$10,812.35, plus accrued claim interest in the amount of \$197.08, payable as a result of the death of Charles T. Marsh, Jr., under an individual life insurance policy, Number

27071942 issued by Prudential on the life of the Insured (“Policy”), which Death Benefit was deposited into the Registry of the United States District Court for the Western District of North Carolina on or about May 23, 2018; and (2) dismiss all remaining claims between the Defendants without prejudice; and (3) order the Clerk of this Court to transfer the Death Benefit on deposit to the Clerk of the Rutherford County Superior Court. [Doc. 30].

For the reasons stated in the parties’ motion, and for cause shown,

IT IS, THEREFORE, ORDERED that:

1. Prudential shall be, and hereby is, discharged from any and all liability to Michelle Dionne, Marjorie Vestal and Michael Vilayat Marsh, relating to or arising out of the Policy and/or the Death Benefit, and all claims, rights, interests and actions that Michelle Dionne, Marjorie Vestal and Michael Vilayat Marsh, might otherwise have held against Prudential and its present and former parents, subsidiaries and affiliated corporations, predecessors, successors and assigns and their respective officers, directors, agents, employees, representatives, attorneys, fiduciaries and administrators with respect to the Policy and/or the Death Benefit are hereby released.
2. Michelle Dionne, Marjorie Vestal and Michael Vilayat Marsh, are each permanently restrained and enjoined from instituting and/or

prosecuting any suit, causes of action or civil proceedings in any forum, or making any further action or implied claims, demands, and/or causes of action, asserted or unasserted, liquidated or unliquidated, or bringing any proceeding in any forum, against Prudential arising out of, in connection with, or relating to the Policy and/or the Death Benefit due thereunder.

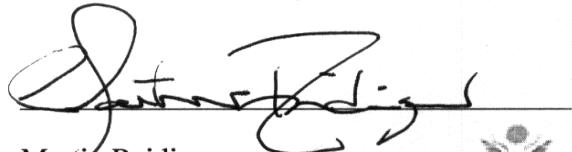
3. Prudential is hereby dismissed from this action with prejudice and without costs and all complaints, claims, counterclaims, cross-complaints, and cross-claims against Prudential are hereby dismissed with prejudice.

4. Any remaining claims in this action asserted or which could have been asserted by the Defendants against each other are dismissed without prejudice.

5. The Clerk of this Court is hereby directed to transfer the Death Benefit, which was deposited with the Court by Prudential on or about May 23, 2018, to the Clerk of Court for the Rutherford County General Court of Justice, Superior Court Division, in connection with the matter pending in that court, styled Monique Mazza, as Executor of the Estate of Charles T. Marsh, Jr., et. al v. Marjoie Vestal, et. al, Case No. 18 CVS 522. Upon transfer of the interpleaded funds, the Clerk of this Court is respectfully directed to close this civil action.

IT IS SO ORDERED.

Signed: July 27, 2018



Martin Reidinger
United States District Judge

